

14 NOV 2005

U. S. PATENT AND TRADEMARK OFFICE  
U. S. DEPARTMENT OF COMMERCE

ATTORNEY'S DOCKET NUMBER

21404P

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/556805

INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/US2004/014642	10 May 2004	14 May 2003

TITLE OF INVENTION
3-AMINO-4-PHENYLBUTANOIC ACID DERIVATIVES AS DIPEPTIDYL PEPTIDASE INHIBITORS FOR THE TREATMENT OR PREVENTION OF DIABETES

APPLICANT(S) FOR DO/EO/US
Tesfaye Biftu, Danqing Dennis Feng, Gui-Bai Liang, Xiaoxia Qian

**Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:**

1.  This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3.  This is an express request to begin national examination procedures [35 U.S.C. 371(f)]. The submission must include items (5), (6), (9) and (21) indicated below.
4.  The US has been elected (PCT Article 31).
5.  A copy of the International Application as filed [35 U.S.C. 371(c)(2)]
  - a.  is attached hereto (required only if not communicated by the International Bureau).
  - b.  has been communicated by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  An English language translation of the International Application as filed [35 U.S.C. 371(c)(2)].
  - a.  is attached hereto
  - b.  has been previously submitted under 35 U.S.C. 154(d)(4).
7.  Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)].
  - a.  are attached hereto (required only if not communicated by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].
9.  An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)].
10.  An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)].

**Items 11 to 20 below concern other document(s) or information included:**

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13.  A preliminary amendment.
14.  An Application Data Sheet under 37 CFR 1.76.
15.  A substitute specification.
16.  A power of attorney and/or change of address letter.
17.  A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18.  A second copy of the published International Application under 35 U.S.C.154(d)(4).
19.  A second copy of the English language translation of the international application under 35 U.S.C.154(d)(4).
20.  Other items or information:

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<b>10/556805</b>	PCT/US2004/014642	21404P
The following fees are submitted:		<b>CALCULATIONS</b>
21. <input checked="" type="checkbox"/> Basic national fee.....		\$300
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....		\$0
All other situations.....		\$200
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....		\$0
Search fee [37 CFR 1.445(a)(2)] has been paid on the international application to the USPTO as an International Searching Authority.....		\$100
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB .....		\$400
All other situations.....		\$500
		<b>TOTAL OF 21, 22 and 23=</b>
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.		\$300.00
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)
66 - 100 =	0 /50	0 = 0
		<b>RATE</b>
		X \$250.00
		\$0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date [37 CFR 1.492(e)].		
CLAIMS	NUMBER FILED	NUMBER EXTRA
Total Claims	24 - 20 =	4
Independent Claims	1 - 3 =	0
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$360.00
<b>TOTAL OF ABOVE CALCULATIONS (SUBTOTAL)</b>		= \$500.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date [37 CFR 1.492(f)].		+ \$500.00
<b>TOTAL NATIONAL FEE</b>		= \$500.00
Fee for recording the enclosed assignment [37 CFR 1.21(h)]. The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.		+ \$40.00
<b>TOTAL FEES ENCLOSED</b>		= \$500.00
		Amount to be refunded:
		Amount to be charged:
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>13-2755</u> in the amount of <u>\$500.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to the Deposit Account No. <u>13-2755</u>. A duplicate copy of this sheet is enclosed.</p>		
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive [37 CFR 1.137(a) or (b)] must be filed and granted to restore the International Application to pending status.		
SEND ALL CORRESPONDENCE TO:		
<p><b>Customer No. 000210</b></p> <p>MERCK &amp; CO., INC. Patent Department, RY60-30 P.O. Box 2000 126 East Lincoln Avenue Rahway, New Jersey 07065-0970</p>		
 <b>SIGNATURE</b> <p>Philippe L. Durette</p> <p>NAME</p>		
DATE: <u>November 14, 2005</u>		
PHONE #: <u>(732) 594-4568</u>		
35,125		
REGISTRATION NUMBER		

JCS/Rec'd PCT/PTO 14 NOV 2005

10/556805

**Page 1A of TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING  
A FILING UNDER 35 U.S.C. 371**

**Serial No.** PCT/2004/014642

**Case Docket No.:** 21404P

**International Filing Date:** 10 May 2004

**Priority Date:** 14 May 2003

**Title:** 3-AMINO-4-PHENYLBUTANOIC ACID DERIVATIVES  
AS DIPEPTIDYL PEPTIDASE INHIBITORS FOR THE  
TREATMENT OR PREVENTION OF DIABETES

**Inventors:** Tesfaye Biftu, Danqing Dennis Feng, Gui-Bai Liang, Xiaoxia Qian

**EXPRESS MAIL CERTIFICATE**

**DATE OF DEPOSIT** November 14, 2005

**EXPRESS MAIL NO.** EV 660609104 US

**I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS  
EXPRESS MAIL "POST OFFICE TO ADDRESSEE" BEFORE 5 P.M.  
ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO  
COMMISSIONER OF PATENTS AND TRADEMARKS, BOX PCT,  
WASHINGTON, D.C. 20231.**

**MAILED BY** Kathy Klutchnik **DATE** 11-14-05